

Aggressive Enforcement Action Needed

When considering the enforcement mechanisms that will be adopted pursuant to this proceeding, the FCC must act aggressively to enforce measurements and standards as was done in the Bell Atlantic-New York 271 backsliding case.⁴⁶ In that case, the Commission's efforts to address Bell Atlantic-New York's failure to properly handle competitors local service orders⁴⁷ in the post-271 entry environment was successful, primarily, for two reasons: 1) the consequences Bell Atlantic-New York faced if it did not remedy its problems,⁴⁸ and 2) the process established by the FCC to make sure the backsliding issues were resolved.⁴⁹

These are precisely the types of aggressive actions that are needed to ensure ILEC compliance with national performance measurements and standards adopted pursuant to this proceeding.⁵⁰ The Commission should implement the same types of processes that were established to handle the Bell Atlantic-New York 271 backsliding issue. For

⁴⁶ See *In the Matter of Bell Atlantic-New York Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, File No. EB-00-IH-0085, (rel. Mar. 9, 2000) (*Bell Atlantic-New York Backsliding Order*). The FCC initiated this docket on Feb. 7, 2000, to investigate potential violations by Bell Atlantic-New York of sections 251 and 271 in connection with lost or mishandled orders for unbundled network elements electronically submitted by local service competitors. *Bell Atlantic-New York Backsliding Order* at 4.

⁴⁷ *Bell Atlantic-New York Backsliding Order* at 1.

⁴⁸ After the FCC granted the Bell Atlantic-New York 271 Application on December 21, 1999, the FCC issued a Public Notice quickly thereafter, which stated that it would take swift enforcement action should Bell Atlantic at any time cease to meet the conditions of the approval of its application to offer long distance services in New York. See Public Notice of the Federal Communications Commission, *Enforcement Team Created to Guard Against "Backsliding" on Competition Requirements*, DA-00-27 (rel. Jan. 10, 2000) at 1. The FCC stated further that those enforcement options included, among other things, imposition of monetary penalties and entry of a "stand-still" order suspending Bell Atlantic's ability to market and promote its long distance service. *Id.*

⁴⁹ The Commission process established for handling 271 backsliding issues helped to bring rapid resolution of the problems in New York. The FCC identified the problem and then announced that it was going to take "swift enforcement action" to resolve these disputes. *Id.* In that same Notice, the FCC announced a special backsliding enforcement team to handle post-271 entry violations by the RBOCs and a process for resolving any backsliding issues. *Id.*

⁵⁰ See NPRM at ¶ 22 where the Commission requests comment on whether it should establish any specific policies or guidelines for responding to violations of national measurements or standards adopted in this proceeding.

example, the Commission should: 1) establish an enforcement plan for violations of national performance measurements and standards with the goal of resolving these issues quickly; 2) establish a team specifically tasked to handle performance measurement and standards issues with the appropriate knowledge to address these matters; 3) announce expedited time frames for resolving any performance violations; and 4) conduct immediate investigations of any special access performance problems even outside of the traditional section 208 complaint processes. Without the appropriate enforcement mechanisms in place, a national performance plan would be rendered meaningless.

Audits

In order to ensure accurate and reliable reports, any remedy plan must also include appropriate audit mechanisms. Specifically, competitive carrier audits and independent audits are also necessary to ensure the on-going accuracy of performance reporting and to dissuade incumbent LECs from abusing the regulatory process. The necessity of audits, especially as they impact performance reporting requirements, was made all too clear in a recent SBC merger conditions compliance audit, which found that errors in SBC's report on its compliance with the Carrier-to-Carrier Performance Plan may have had an impact on the company's calculation of the payments made to the U.S. Treasury.⁵¹

To preserve the integrity of the performance reporting, each carrier customer must be allowed to conduct one audit per calendar quarter. The requesting carrier would pay for the audit unless the audit reveals inaccuracies in the incumbent LEC's report. In addition, each incumbent LEC should be required to undergo an annual independent audit

of its performance reporting. The independent audit would be conducted either by the Commission, or by an auditor selected by the Commission. The costs of the independent audit would be paid by the ILEC.

III. THE COMMISSION SHOULD ADOPT WORLDCOM'S PROPOSED MEASUREMENTS AND STANDARDS

WorldCom's proposed metrics are a subset of metrics adopted in the states and represent what we believe to be the "best of the best" performance measurements.⁵² Our proposed metrics reflect our experience in the local market, particularly our experience with UNE-P, and our experience in the state metrics proceedings and collaboratives. WorldCom has a broad business plan and offers many different types of services, therefore our proposed measures may be more comprehensive than other CLEC proposals.

WorldCom's proposed measures include appropriate disaggregation and cover UNEs, Interconnection and Resale. Moreover, our metrics and standards cover all OSS functions. For the reasons set forth below, WorldCom requests that the Commission use our proposal as the basis for adoption of federal measurements and standards.

The NPRM notes that hundreds of measurements have been proposed and implemented in various state proceedings and that "a number of state commissions have developed, in conjunction with the incumbent and competitive carriers, a set of

⁵¹ See *Application of Ameritech Corp. and SBC Communications Inc. for Consent to Transfer Control*, CC Docket No. 98-141, Ernst & Young, Report of Independent Accountants at 4 (attached to Letter from Sandra L. Wagner, Vice President, Federal Regulatory, SBC, to Magalie Salas, FCC (Sept. 4, 2001).

⁵² The exclusion of specific metrics adopted by the states does not mean that WorldCom believes these metrics are less important. The state metrics address problems and concerns faced in a specific ILEC region where OSS and processes differ. Further, WorldCom tried to combine functions (e.g. monitoring on-time and missing notifiers) into one metric while the state might have two metrics to cover these problems separately.

comprehensive measures for reporting of performance in various areas.”⁵³ Although the Commission recognizes that the states have adopted measures that largely capture ILEC performance in all areas, it is proposing federal adoption of a few select measures that exclude key OSS functions.

WorldCom submits that, in evaluating which performance measurements and standards should be adopted, the Commission must consider the promotion and retention of competition in the local market. The Commission should adopt measurements that will further the goals of the Telecom Act. To do less is to lose sight of the Congressional mandate, namely, to ensure that ILECs provide interconnection, collocation and access to unbundled network elements in a manner that is just, reasonable and nondiscriminatory, as stated in section 251(c) of the Act. Any minimal burden associated with collecting information to ensure compliance with the law outweighs the tremendous public benefits resulting from competition.

The Commission’s proposed measures fail to address the essential concerns of CLECs based on their experience with ILEC performance. In 1998, when the Commission first considered the adoption of federal measures, it recognized that close to 30 metrics would be needed to gauge ILEC performance.⁵⁴ While that proceeding has been terminated, the federal foresight and understanding present in the 1998 NPRM should be carried over into the current proceeding. WorldCom is proposing that the FCC adopt approximately 30 metrics, which have been refined since the Local Competition Users Group’s Version 7 metrics, which WorldCom, as an LCUG member, helped

⁵³ NPRM at ¶ 27 and FN 41.

⁵⁴ See *In the matter of Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance*, Notice of Proposed Rulemaking, CC Docket No. 98-56 (rel. April 17, 1998) (1998 NPRM).

develop, were presented to the Commission in the 1998 NPRM proceeding. Some of the differences reflect new and improved ways of getting at the performance problems suffered by CLECs than the earlier proposed LCUG measurements. In addition, WorldCom has learned which measures are most important from its experience in the local market.

Because the market entry plans of CLECs are different, the performance measurements they propose may vary. Similarly, CLECs with different market plans may support different levels of disaggregation. Providers of UNE-P and resold services send higher volumes of orders through systems that must be highly mechanized, reliable, and adaptable to software changes. Many of the metrics proposed by WorldCom focus on the need for system reliability, adherence to change control procedures, including software error correction intervals, and timely receipt of status notifiers (provisioning completions, billing completions, and loss notifications).

The performance measures individual CLECs find most important will vary because their market entry plans differ. DSL carriers may not care as much about hot cuts and LNP metrics. Analog loop providers may not care about line conditioning or the speed at which loop make-up information is provided. WorldCom uses a broad range of service delivery methods (*e.g.* UNE-P, DSL, Trunks and Transport) and therefore is suggesting more metrics than the Notice requests. However, WorldCom is proposing far fewer measurements than most states have adopted after hearing CLECs' real problems in the marketplace. Again, this reduced list should in no way be interpreted to mean that other state measurements are somehow less important. WorldCom's proposed

measurements and standards should be used as a suggested base for states that do not have adequate measurements.

A. Federal Measurements Must Be Appropriately Disaggregated

Reporting of performance measurements must occur at sufficiently disaggregated levels to enable the Commission to establish appropriate standards to ensure CLECs are offered a meaningful opportunity to compete. In addition, WorldCom's proposed metrics include a comparison of the ILEC's retail performance to their wholesale performance to CLECs. Measurements must be disaggregated by service/product type, geography, volume, and type of work performed. If reporting is not disaggregated sufficiently, ILECs will be able to manipulate their performance reports by grouping together different types of products and orders in various geographic areas. Like-to-like comparisons are important to ensure that CLEC activity is not being compared to ILEC retail services that are not analogous..

1. Product Disaggregation

Product disaggregation is essential because different performance can be expected based on the type of product being ordered. Lumping together one type of order that has a 2-day interval with another type of order that has a 10-day interval and producing a report showing that on average the orders were provisioned in 6 days tells a carrier nothing about whether either type of order was completed within the benchmark. Such aggregate treatment masks disparities in service and must not be permitted.

The basic principle of product disaggregation is that each unique process or product family should be tracked separately. Examples of unique product families include UNE-P, UNE loops, xDSL loops, and trunks. Some of these product groupings

should be broken down by residential and business, where appropriate. Further disaggregation might capture transmission speed differences that affect the complexities of provisioning or priorities for repairs, such as breaking down UNE loops into DS0s, DS1s, DS3s and Ocn. In general, different unbundled loop types, such as analog voice-grade loops, DSL loops and other digital loops, as well as loops requiring conditioning and those that do not, should be disaggregated because the provisioning and maintenance processes and priorities will vary for each loop type. Competitors simply want products disaggregated to the level where the differences in the ILEC's performance are minimal. Moreover, the level of disaggregation is consistent with the services, facilities and UNEs that the Commission has ordered the ILECs to make available to competitors.

2. Geographic Disaggregation

The Commission should require geographic disaggregation of reporting. This disaggregation should mirror the way the way the ILEC manages the process being measured. For example, if, as in Texas, the ILEC has four operating regions, it is necessary that it report its performance results on a regional basis. In addition, this is likely to mirror the way the ILEC records its own performance for itself, whether or not the ILEC currently discloses its geographically disaggregated performance publicly. In large states, ILECs typically establish various zones or regions for operating and measuring business within their states. For example, in California, Pacific Bell has four provisioning regions and these regions are in place for both ILEC and CLEC orders. In state measurement and remedies proceedings, most ILECs have agreed to some form of geographic disaggregation.⁵⁵ The majority have used provisioning and maintenance

⁵⁵ This is true except for the BellSouth region where only Louisiana has required reporting of provisioning and maintenance performance on a geographically disaggregated (by MSA) basis.

regions that already existed for internal and external (end-user service quality) retail reporting. CLECs do not have access to ILEC's internal data to determine whether the competitiveness or geographic terrain of the market creates differences in provisioning and maintenance performance. Maybe a more limited mode of geographic reporting (two regions, instead of four, or three groups of MSAs rather than each MSA separately) will make more sense after the data is reviewed. In the New York OSS Test, KPMG recommended a two-region split in reporting for trunks and special (high-capacity) UNE and resale services.

KPMG recommended the disaggregation for Special Services for metropolitan New York City from upstate New York because KPMG's study of the data showed differences in performance between Manhattan's highly competitive market and the rest of the state.⁵⁶ POTS services already were disaggregated into five areas in New York for retail performance reporting and the same areas were adopted for wholesale POTS (resale and UNE-Platform) reporting. Such disaggregation is vital for provisioning and maintenance metrics.

If regulators require that all regions meet the same benchmark, the need for geographic disaggregation below the state level may not be necessary. But for parity standards it is essential. At the very least the ILEC's geographic performance should be weighted to match the CLEC's geographic activity. Regional performance on the retail side needs to be examined by the regulator or an independent third party to find the

⁵⁶ "In general, the metrics may be too aggregated, especially with regard to geography. The New York City area appears to get a different level of service than other parts of the state, and CLECs have their business concentrated in this area. The result can be that BA-NY is in parity overall, but out of parity region by region or vice versa." KPMG Consulting's New York final report released August 6, 1999, p. POP8 IV-20.

geographic disaggregation level that captures real regional differences at the minimum level of disaggregation for the ILEC.

3. Disaggregation by Order Volume

Disaggregation by order volume captures differences that may arise based on the number of lines ordered or provisioned. CLECs recognize that the appropriate interval for a particular metric may depend on whether 5 lines or 50 lines are ordered.

4. Disaggregation by Type-of-Work Performed (e.g. Dispatch/Non-Dispatch)

Nearly all ILECs would agree that it is appropriate to disaggregate performance by the type of work involved. For example, dispatched orders usually require more time and coordination than non-dispatched orders. Therefore, the benchmarks for each order type will be different.

5. Percent Trunk Blockage Metrics Design and Type Disaggregation

In the model metrics proposed by WorldCom, the design standard for each trunk group is used as the performance standards to determine whether blockage of that group has occurred four times in the same reporting period. This allows the different types of trunk groups to be aggregated with the miss counted against each standard. If parity is used as the standard, then such aggregation can cause skewed results. Aggregating trunks designed at different blocking thresholds may well hide serious blocking problems by averaging trunks designed to block at 2%, 1%, or 0.5% together. Disaggregation by type is also important so that blocking on crucial OS/DA or 911 trunks can be monitored by CLECs. Finally, if a parity standard is used, dedicated trunks should be disaggregated

by OS/DA and 911 trunk types. Similarly, the following industry blocking standards should apply:

Trunk Performance

2% Local and IntraLATA Toll Trunk Groups

1% Local Tandem, Local Direct Office Final, IntraLATA interexchange, 911, DA, DA Call Complete,

0.5% OS, IntraLATA Tandem Meet Point.

6. PreOrder and Maintenance and Repair Interface and Query Type Disaggregation

PreOrder and maintenance query type disaggregation is important because different types of queries can be expected to take different lengths of time to process from end to end. Each specific query type offered in that interface needs to be measured, and errors or rejections need to be measured separately as a group so as not to skew the transaction intervals and make them look faster when no data is being returned at all. The query should also be disaggregated by the Interface they transmit (e.g. EDI, CORBA, PreOrder/Ordering GUI, Maintenance GUI, ECTA, or whatever other interfaces available with that ILEC.)

7. Collocation Disaggregation

Collocation measurements demonstrate just how long CLECs have to wait for completion of collocation arrangements. Different types of collocations and augments vary in the amount of time necessary to complete the work. For example, provisioning a cageless collocation space should require substantially less time than provisioning a caged collocation space. Augments of collocation space should generally take less time than installing the original collocation space. In many of the state metric plans, augments

are disaggregated from new physical, virtual and cageless collocation requests in the Average Interval Measurement, but they are combined in the on-time performance metrics where each is measured against it's own space availability response and service delivery benchmark. WorldCom believes that collocation measurements are essential and should include but not be limited to: Percent Timely Collocation Responses; Percent Collocation/Augment Appointments Met; Average Collocation/Augment Interval.

B. Description of WorldCom's Proposed Measurements and Standards

Preordering/OSS Availability

The efficient operation of automated interfaces between ILEC and CLEC trading partners are critical to a competitor's ability to serve mass-market customers, where profit margins are thin and customer orders are taken over the phone. While a system down a couple of prime selling hours a day or slow in validating addresses and pulling customer service information could be tolerated by a CLEC with larger business customers, such delays could be extremely harmful to CLECs trying to serve residential consumers. Problems in these areas for any CLEC that has invested information technology resources in building interfaces with their ILEC trading partners can reduce the number of orders processed and slow growth in the market.

1. Percent System Availability

The Percent System Availability metric is necessary because it measures the time in which electronic interfaces are available to CLECs, enabling CLECs to serve customers in a timely manner. In order for CLECs to serve their customers responsibly and efficiently, the ILECs must ensure nearly 100 percent system availability. The FCC endorsed this measure, along with the query

response time metric, in its 1998 Metrics NPRM.⁵⁷ WorldCom contends that both metrics are important and that is why most state metric plans include System Availability and Pre-Order Query Response Time.

BUSINESS RULE: The FCC must ensure that the system availability metric captures the entire route to the ILEC's back-end systems. When one segment is down and the ILEC is unable to complete the transaction, it does not matter if three segments were up and running. The FCC should establish model rules that protect against the down times experienced by CLECs not being captured because of flawed calculations. ILECs can dilute down times experienced by CLECs by multiplying the up time for systems in the denominator by the number of servers for each interface, when all servers are not available to the CLEC experiencing the down time. Although many ILECs measure System Availability only on an aggregate performance basis, WorldCom believes CLEC specific interface availability measurement is important because of the different numbers of servers the ILECs use for different interfaces and different versions of the same interface.

When scheduled down time is excluded, such down time should be properly noticed through the ILEC's change control process. And the ILEC should be careful to avoid taking their systems down during the CLEC's prime time selling hours. The Saturday morning and evening sales hours are the most critical for a CLEC's operations, therefore the ILEC should avoid scheduled maintenance during these times.

⁵⁷ See 1998 Metrics NPRM at Appendix A (citing an Average Response Time and a Systems Availability Measurement.)

2. (a) Preorder Query Response Timeliness; Maintenance Query Response Timeliness; (b) Percent Ordering/Preordering System Error/TimeOuts

Time is of the essence in serving local customers, who are often waiting on the line as the CLEC representative completes their service request. Delays in receiving electronic information from the ILEC can slow down customer service and creates the false impression that the competitive carrier is providing an inferior level of service.

BUSINESS RULE: How the ILEC captures error messages and time outs is an important factor in crafting this measurement. As mentioned in the disaggregation sections above, the time it takes to return an error message on any type of query (all types of query reject/error messages) should be added together to see if the return of such rejections is quick so another attempt to gain the needed information can be promptly secured so as not to irritate the customer on the line. Also, the percent of time outs is important because they are measured only to a cutoff point where neither a query nor a reject is likely to be forthcoming. The cutoff point should be chosen at a reasonably long enough period of time so as not to cut off receipt of the actual information. And, the same cut off seconds should be used for retail and wholesale. This metric was proposed by the FCC in its 1998 Metrics NPRM.

BENCHMARK: WorldCom recommends either a set benchmark (e.g. 95% CSRs returned in 5 seconds) or a parity measure. Some ILECs add some seconds to the parity measure (BellSouth adds 2, and Verizon adds between 4 and 7 depending on the application) making it parity plus x seconds standard. For

some functions, such as Parsed CSR or Product Availability where additional information is provided to wholesale customers, WorldCom has accepted longer add-on times (parity +10 seconds is a generous maximum that our sales reps can accept during actual production). Query response times seem to vary by ILEC and by interface type, so a set national benchmark may be hard to develop. Before the plus time additions for clearing security gateways are set, the actual times should be measured. Timeout percentage should be measured against a benchmark, such as the 0.33% benchmark set in New York. Error message speeds may be initially diagnostic and moved into remedy plans if monitoring shows significant disparity in returning error messages to CLECs.

Change Management

WorldCom has proposed only two change control metrics in its model metrics. This does not mean that other metrics, such as the existing Software Certification metric in Verizon region, the Change Control Request Responsiveness metrics CLECs are pushing in BellSouth territory, or the Documentation Quality metric being proffered in Qwest multi-state collaborative are not important. Such measures capture ILEC specific problems that CLECs are finding serve as an obstacle to market entry and growth. Or, like the Verizon Software Certification metric, enforce a process of pre-production testing of ILEC software releases against a CLEC-developed test deck that other ILECs have not yet established.

WorldCom is proposing the two model change control metrics below because most ILECs do at least have notice and documentation timelines in their change control

processes. Moreover, the Software Error Correction metric may actually promote more software certification or documentation quality if remedies are high enough for misses. Most ILEC do offer these two measurements, although intervals and business rules could be improved.

3. (a) Percent Change Management Notices/Documentation Sent On-Time; (b) Average Delay Days

To prepare for changes in the ILEC's business rules and interface systems, CLECs must receive the necessary change notification and documentation. ILEC failure to adhere to change management notice requirements causes delay and can halt CLEC operations. Timely receipt of notice of changes and associated technical documentation is required for CLECs to plan and undertake system adjustments on their end. Without adequate notice, CLECs have to pull personnel from other projects to undertake emergency changes. Delays in receiving adequate documentation have been a major impediment to WorldCom developing systems to enter local markets where the conditions justify entry.

BUSINESS RULE: The business rule should capture ILEC failure to send notices and documentation for software and business rule changes. The average delay day part of the measure is critical to capturing the magnitude of such delays, because the closer notice and documentation come to the software change implementation date, the more burdensome it is for the CLEC to adjust its interfaces before preorder/ordering/maintenance activity are affected. Changes in billing systems also should be part of the change control notice process.

BENCHMARK: The benchmarks generally reflect the high degrees of on-time performance needed by CLECs to allocate IT resources so that their preordering and ordering activities will not be disrupted. The intervals would vary by type of notice and documentation (draft or final) involved. WorldCom did not mention specific intervals as these are set at different intervals in each ILEC's change control rules. The FCC, however, should reject any interval less than 66 days (similar to the notice Verizon provides) for technical specifications as woefully inadequate. The preferred interval should be at least 90 days. Many notices of business rules and software changes are and should be longer, to allow ILECs to prepare for the change and ask questions before the documentation releases begin.

4. (a) Percent Software Error Correction in X Days; (b) Average Delay Hours/Days

Software errors must be corrected as quickly as possible to minimize potential service disruptions to CLECs. Metrics that measure ILEC responsiveness to restoring preorder and ordering functionality disrupted by software errors is critical to prevent CLEC system outages. Measuring ILEC responsiveness is important and will hopefully incent the ILECs to institute proper procedures to prevent such errors.

BUSINESS RULE: While it is reasonable for the ILECs to exclude software problems that are the CLECs fault, there must be a diagnostic reporting element to capture the number of such disputed exclusions. The number of exclusions could be monitored to trigger an investigation as to whether the

exclusions are being abused. Also, the business rule that faxing orders does not count as a viable workaround will keep the ILEC from avoiding the shorter interval for problems without a workaround. Faxing orders can cause a backlog of orders for the CLECs and delays for customers compared to use of the electronic interface enabled by the ILEC's software error.

BENCHMARK: A tight benchmark for resolution of software problems with no work arounds is critical, because it will motivate the ILEC to resolve the problem or to put an interim process in place. Verizon and SBC-Texas have 48 hour benchmarks for such problems, but two days with ordering impaired is very harmful to CLECs and likely longer than an ILEC would tolerate if its ability to place orders for customers were impacted by a software error with no workaround. A tight benchmark would also provide an incentive for the ILEC to provide certification testing before major releases. More importantly, it will force the ILECs to distribute quality documentation, which is the ultimate outcome.

Ordering/Provisioning Notification Metrics

As the NPRM appropriately explains, order status notifiers are critical to CLECs' ability to provide their customers with quality service.⁵⁸ CLECs not only have to know the due date of their order, but they also must know when their orders are rejected so that they can fix the problem and resubmit the order. In addition, CLECs need provisioning completion notices, billing completion notices, jeopardy notices, and line lost reports. Moreover, CLECs must be assured that the ILECs will promptly respond to problems

⁵⁸ NPRM at ¶ 41 ("the Commission has noted that the untimely receipt of an order completion notice affects a competitor's ability to serve its customers at the same level of quality that the incumbent provides to its retail customers.")

caused by missing notifiers and erroneous line loss reports. Finally, ILECs must provision the order as ordered by the CLEC and avoid introducing errors and inefficiencies through excessive manual handling of orders.

5. CLEC Center Responses in X Days

One of the most significant issues WorldCom has encountered is the lack of timely assistance from ILEC account teams and help desks. This metric has been narrowed down to cover problems impeding the ordering process, such as rejections that the CLEC is not given enough information to correct database inaccuracies that impede placing an accurate order and missing notifier issues. This metric should not be burdensome as manual tracking can be easily eliminated by the ILEC creating simple database system to log in answers and log out resolutions.

While this specific measurement is not one that has been implemented in any state, Verizon does capture its response times in clearing missing notifier trouble tickets, and CLECs are currently working with BellSouth in the Georgia six-month review for a measurement of ordering-impacting issues brought to help desks.

BUSINESS RULE: ILECs may exclude CLEC requests for information clearly and readily available on web sites. However, if the published information is not clear, the performance in responding to the CLEC request is appropriate to include in this calculation. This metric also includes a means for the CLEC, within moderation, to keep the ticket open if the ILEC response does not resolve the ordering impediment. The metric needs to have the means of logging such

ordering trouble tickets clearly spelled out so the measurement goes to the proper help desk.

BENCHMARK: Tight benchmarks are needed because these types of trouble tickets mean CLECs cannot process orders or answer their customers' requests. These are not unreasonable problems and probably are even generous compared to the response commitments of many service-oriented businesses in competitive markets.

6. Percent Order Accuracy

This is a critical measure that was included in the FCC's 1998 NPRM. Moreover, order accuracy was a problem competitors highlighted in BellSouth's recent Georgia/Louisiana 271 Application. WorldCom has expanded this measure to include stand-alone directory listings, which is an issue that CLECs have expressed concern with in various state collaboratives.

BUSINESS RULE: This measure should be calculated on an automated fashion rather than a manual sampling process that some ILECs employ. If sampling is used on an interim basis, the sample size should be large enough to capture a mix of all order types, including feature changes and migrations. The process also should ensure random selection so that the ILEC cannot choose the orders included in the sample.

BENCHMARK: CLECs require a high degree of accuracy in orders so the benchmark is set above 95%. Problems with rekeying errors also could be avoided with improved flow through rates for the type of services being ordered by CLECs.

7. Percent Flow Through

As mentioned above, the more automated the ILECs' processes, the less likely errors will occur. Higher flow through rates enable LSRCs/FOCs and, perhaps even more important, rejects to be returned more quickly to the CLEC. The greater the level of flow through, the less likely the CLEC's ability to compete and ramp up in the market is hampered by strikes and force majeure events or even the ebb and flow of personnel reductions at the wholesale centers. Although, Flow Through was a highly touted metric in the FCC's 1998 NPRM and has been emphasized in various 271 orders, it is conspicuously absent in this notice, considering its importance to those carriers trying to compete in the residential and small business marketplace.

BUSINESS RULE: CLECs need a measurement of total flow and designed flow through. The measurement of orders designed to flow through is more beneficial in catching the number of excepting circumstances that cause orders the CLEC was told would flow through to fall to manual. Total flow through benchmarks help keep raising the bar to ensure that the types of orders CLECs primarily place flow through. Orders should not be counted as flow through if they fall to manual before they get to the provisioning groups. In one ILEC region, WorldCom has received an LSRC and then a reject from manual handling, but the order was counted as flow through. This should not be allowed to occur.

BENCHMARK: The benchmark for the designed to flow through metric is set very high, for the logical reason that if the ILEC is only counting orders that

are supposed to flow through the success rate should be high. The total flow through benchmark should be set at different levels for the complexity of the orders, with UNE-P, UNE-Loop and Resale generally having the highest benchmarks. The total flow through benchmark should gradually increase overtime to motivate the ILECs to increase flow through rates. Because flow through is so critical to CLECs, the New York Commission set very high remedies of \$2.5 million per quarter if either a total UNE flow through benchmark of 80% or a designed to flow through rate of 95% were not achieved. This provided a powerful incentive to Verizon, who finally met those benchmarks within a year. This has helped to foster more residential service competition in New York than in most other parts of the country.

8. Percent On-Time LSRC/FOC

CLECs need to receive a confirmation promptly to advise their customer of the due date. This is often something ILEC representatives are able to do with their retail customer on the line. This is information the CLEC customer wants quickly as well. And the CLEC customer relies heavily upon the due date given for its own planning.

BUSINESS RULE: WorldCom's model business rules aim to capture missing as well as late confirmations by using "confirmations due in the reporting period" as the denominator. Because CLECs rely on the LSRC/FOC due dates, it is important that the ILEC not unilaterally change the confirmed date. To make the due date as firm as possible, the ILEC should check facilities before issuing

the confirmation. This would be done by keying into a database rather than performing an actual site check. The ILEC would be expected to provide a timely LSRC/FOC even if facilities are not available at the time, but including a due date on the LSRC/FOC as to when facilities would be provided. The ILEC and CLEC as a general rule would be responsible for any time added to the confirmation process by the third-party vendors that they use. A business rule is also included for when time stamps are missing. Counting such cases as a miss would encourage ILEC vigilance in ensuring that all key dates needed in interval measurements are captured. Exclusions include unsolicited FOCs that confuse the calculation, disconnect LSRs/ASRs that usually are not providing information needed by the customer, orders cancelled before the due date and non-business hours for partially mechanized and manual orders.

BENCHMARK: WorldCom has chosen a benchmark for fully mechanized and partially mechanized that is aggressive for some ILECs, but is similar to or less aggressive than the intervals used by other ILECs. A fully mechanized confirmation should be easy to provide, while tighter times (particularly with business hour exclusions) are advocated for partially mechanized transitions so as to improve the speed at which the CLEC can provide a due date to its customer and provide an incentive to improve flow through. WorldCom is concerned that confirmations on negotiated due dates for projects can be unreasonably delayed so a surrogate for calculating due dates for projects has been proposed as well. For many types of loop and trunk orders, WorldCom's

activity falls in the project area, which should not be excluded from the measurements.

9. Percent On-Time Reject Notices

The speed at which CLECs receive rejection notices is critical to how quickly they can get the order fixed and back into the ordering process to obtain the fastest due date for the customer. A prompt reject allows the CLEC to more move ahead and correct any errors it caused or to question a rejection that it does not understand or believe was invalid.

BUSINESS RULE: Business rules and exclusions are very similar to LSRC/FOCs above.

BENCHMARK: Similar to the LSRC/FOC measure, the benchmarks proposed by WorldCom are worse than what some ILECs actually provide, but better than others ILECs have adopted.

10. Percent Jeopardy Notices

CLECs need to know as soon as the ILEC is aware that a due date is going to be missed. The NPRM proposes a measurement of the Notice Interval, which is important, but ILECs often dilute it by including the caveat “to the extent it is known in advance” in the definition of the measure. WorldCom’s model metric focuses more on how often before a missed appointment the CLEC is notified of the jeopardy.

BUSINESS RULE: Because the ILECs’ claim that they put many orders in jeopardy but do not always miss the due date for all orders put in jeopardy

status, the business rules note that the results could exceed 100% with notices exceeding missed appointments. This does not impede meeting a bright line or parity benchmark. This metric also looks at the percent sent less than 24 hours, 24-48 hours, and more than 48 hours before the due date to see if the ILEC is providing the same degree of advance notice to CLECs as well as its own customers.

BENCHMARK: WorldCom has proposed either a benchmark or parity standard, but would prefer a benchmark for the measurement of the percent of missed appointments with advance notice and a parity comparison for the interval component of the metric dealing with advance notice.

11. Percent On-Time Completion Notices

CLECs need both provisioning and billing completion notices. The provisioning notice lets the CLEC know when the customer has been switched to the CLEC. Such information is necessary to enable the CLEC to provide fulfillment information to the customer and resolve any customer service calls. The billing completion notice informs the CLEC that the ILEC has stopped billing the end-user and the CSR information has been updated. This avoids double billing for the customer and ensures that the CLEC is registered as the provider on the CSR. Only Verizon and Pacific Bell provide billing completion notices. BellSouth has denied a change control request to implement such a notice, claiming that OBF standards must be awaited. However, chances are slim that the OBF will ever take this up and other ILECs have implemented this measure without OBF consensus. While a change request is pending in SBC-Ameritech

region, Ameritech has adopted an interim parity measure on how quickly it clears errors that cause completion information to error out of billing systems for itself and CLECs.

BUSINESS RULE: The calculations for these metrics aim to capture missing completion notifier problems by using “notices due in the reporting period” in the denominator. Both measures begin when the work was physically completed.

BENCHMARK: WorldCom has set aggressive, but not unreasonable, benchmarks of six system hours for PCNs and 24 hours for BCNs. Stopping billing promptly after the migration of the customer to the CLEC should be a priority for the ILEC.

12. Percent Timely Loss Notifications

A CLEC must be informed promptly when it loses a customer so that it can immediately stop billing the end-user upon receipt of notification from the ILEC. Customers rightly complain when they have been billed after leaving a service provider, which creates the misimpression that the CLEC is trying to overcharge the parting customer. MCI has had trouble with receiving timely and accurate line loss notices from certain ILECs.

BUSINESS RULE: Only accurate loss notification should be counted as timely, and errors and omissions found by CLECs in the reporting period should be counted as untimely notices.